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**Subject:** Discovery Responses

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Dear Counsel:

I have had an opportunity to review some of your client's responses to plaintiff's interrogatories and they are incredulous. I have never seen interrogatory responses where none of the interrogatories are answered. Your clients have either objected to plaintiff's discovery requests or hid behind Federal Rule of Civil Procedure 33(d), which I note reads in relevant part as follows:

Option to Produce Business Records. If the answer to an interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing **a party's business records** (including electronically stored information), and if the burden of deriving or ascertaining the answer will be substantially the same for either party, the responding party may answer by

In attempting to hide behind Rule 33(d), the defendant officers have referred the plaintiff to police reports that they did not even author. If the fact they they did not author the subject reports were not enough, it is not even arguable that police reports are the business records of any of the individual defendants.

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PLAINTIFF'S  
EXHIBIT

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